

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 59, 61-66, 68-73, and 75-83 are pending in the application, with claims 59, 66, 73, 81, 82, and 83 being the independent claims. Claims 59, 66, and 73 are sought to be amended. New claims 80-83 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Applicants respectfully request the entry of the above amendment. Although Applicants do not acquiesce to the rejections in the Final Office Action, Applicants believe entry of the above amendment will better place the amended claims in condition for allowance. Applicants did not previously present the amendment because the prior response adequately addressed the previously outstanding rejections and resulted in the new, present grounds of rejection, which Applicants believe is addressed herein.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Claim Amendments

Claim 59 recites, *inter alia*, “an upload module for uploading, to the local device, an additional control signal set for application to a device control signal set at the local device.” Claims 66 and 73 similarly recite, *inter alia*, “uploading, to the local device, an additional control signal set for application to a device control signal set at the local device.” Applicants submit that claims 59, 66, and 73 are in condition for allowance.

Claims 59, 66, and 73 find support in the instant specification, at least, at paragraphs [0014], [0070], and [0071] of the Published Specification, U.S. Patent Application Publication No. 2002/0072918. For example, the instant specification recites:

In one embodiment, pre-recorded messages (e.g., prompts and responses) may be downloaded from remote system 12. In this manner, the pre-recorded messages already existing in local device 14 can be replaced, supplemented, or updated as desired. Speech generation engine 42 is optional, and therefore, may not be present in every implementation; for example, a local device 14 can be implemented such that user output is via display 26 or primary functionality component 19 only. (Published Specification at [0071]).

The above selection demonstrates, at a minimum, sufficient enablement and written description of “an upload module for uploading, to the local device, an additional control signal set for application to a device control signal set at the local device,” as recited in claim 59, as well as the similar recitations of claims 66 and 73. Application of the additional control signal set includes the ability to replace, supplement, or update the existing device control signal set, as disclosed in the Published Specification at [0071].

While paragraph [0071] of the Published Specification discloses an exemplary embodiment, claims 59, 66, and 73 are not limited by the terminology of this paragraph. The subject matter of the claims need not be described *in haec verba* to satisfy the description requirement, and Applicants submit that the terminology of claims 59, 66, and 73 is clear to one skilled in the relevant art. (M.P.E.P. § 2163.02, third paragraph).

On page 2 of the Advisory Action of November 13, 2008, the Examiner states:

While it is agreed that the Specification need not disclose the claimed limitation in *haec verba*, it should be argued that one skilled in the art would not say that pre-recorded messages (e.g.,

prompts and responses) would be reasonably called “a control signal set”. One skilled in the art would say that a control signal set would control the operation of something, e.g. turn on an oven or cause a television to change a channel, rather than merely produce an audio prompt.

Although the passage at paragraph [0071] is directed to the updating of “speech generation engine 42,” in one embodiment, it shows sufficient enablement and written description of “an upload module for uploading, to the local device, an additional control signal set for application to a device control signal set at the local device,” as recited in claim 59, as well as the similar recitations of claims 66 and 73, when read in the context of the remainder of the specification. For example, paragraph [0014] states:

Still another technical advantage of the present invention includes providing the capability for data to be downloaded from the remote system to each of the local devices, either automatically or in response to a user’s request. Thus, the data already present in each local device can be updated, replaced, or supplemented as desired, for example, to modify the voice user interface capability (e.g., speech recognition/output) supported at the local device.

Moreover, paragraph [0073] states, “[d]ata received from remote system 12 can include that supporting audio and/or video output at local device 14, and also **control signals for controlling primary functionality component 19.**” These embodiments are presented by way of example, and are not intended to limit the claims. Considering that the remote system is able to provide control signals, which can in turn be used by the local device to update, replace, or supplement the data already present in the local device, sufficient enablement and written description is provided to place claims 59, 66, and 73 in condition for allowance.

As claims 59, 66, and 73 are in condition for allowance, Applicants submit that claims 61-65, 68-72, and 75-79 are also in condition for allowance by virtue of their dependency on claims 59, 66, and 73, and further by virtue of their own respective features.

New Claims

Claims 80-83 are sought to be added. Claim 80 depends from claim 59, and is therefore in condition for allowance for at least the same reasons as claim 59, from which it depends, and further in view of its own features.

Claim 81 recites “upload means for uploading, to the local device, an additional control signal set for application to a device control signal set at the local device,” and should therefore be allowed for similar reasons as claims 59, 66, and 73.

Claim 82 recites “a download module for downloading an additional control signal set for application to a device control signal set.” This feature finds support, *inter alia*, at paragraphs [0071] and [0073] of the Published Specification, and should be allowed for similar reasons as claims 59, 66, and 73.

Claim 83 recites “an upload module for uploading, to the local device, an additional data set for application to a device data set at the local device.” This feature finds support, *inter alia*, at paragraphs [0071] and [0073] of the Published Specification, and should be allowed for similar reasons as claims 59, 66, and 73.

Accordingly, Applicants submit that claims 80-83 are in condition for allowance, and respectfully request their entry.

Rejections under 35 U.S.C. § 103

Claims 59, 62, 64, 66, 69, 71, 73, 76, and 78 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,282,268 to Hughes et al ("Hughes") in view of U.S. Patent No. 5,956,683 to Jacobs et al ("Jacobs"). Claims 61, 63, 65, 68, 70, 72, 75, 77, and 79 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hughes in view of Jacobs as applied to claims 59, 66, and 73 above, and further in view of U.S. Patent No. 5,774,859 to Houser et al ("Houser"). Applicant respectfully traverses these rejections.

Applicants submit that none of the aforementioned references, either alone or in combination, teaches or suggests "an upload module for uploading, to the local device, an additional control signal set for application to a device control signal set at the local device," as recited in amended independent claim 59, or the similar recitations of amended independent claims 66 and 73.

Additionally, Applicants submit that claims 61-65, 68-72, and 75-79 are also not rendered obvious over the aforementioned references by virtue of their dependency on claims 59, 66, and 73, and further by virtue of their own respective features.

Accordingly, Applicants respectfully submit that claims 59, 61-66, 68-73, and 75-79 are not rendered obvious by the aforementioned references and request that the rejections be withdrawn.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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